

MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y)

Plaintiffs' Executive Committee for Personal Injury and Death Claims	Plaintiffs' Executive Committee for Commercial Claims
Ronald L. Motley, <i>Co-Chair</i> (1944-2013) MOTLEY RICE LLC James P. Kreindler, <i>Co-Chair</i> KREINDLER & KREINDLER LLP	Elliot R. Feldman, <i>Co-Chair</i> Sean Carter, <i>Co-Chair</i> COZEN O'CONNOR
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VIA ECF AND FACSIMILE

January 15, 2016

The Honorable Frank Maas
United States District Court for the
Southern District of New York
Daniel Patrick Moynihan United States
Courthouse
500 Pearl Street, Room 740
New York, NY 10007-1312

Re: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (FM)

Dear Judge Maas:

The Plaintiffs' Executive Committees, on behalf of all plaintiffs, and the Defendants' Executive Committee, on behalf of the defendants currently engaged in discovery, write to inform this Court regarding the status of the pending fully briefed motions to compel.

All briefing has concluded with respect to the following six motions to compel:

1. Wa'el Jelaidan – Fully briefed as of October 30, 2015.
2. Perouz Sedaghaty. – Fully briefed as of November 6, 2015.
3. Soliman al Buthe – Fully briefed as of November 6, 2015.
4. Abdullah Omar Naseef, Abdullah bin Saleh al Obaid, Abdullah Muhsen al Turki and Adnan Basha (the "Charity Officials") – Fully briefed as of November 18, 2015.
5. Al Haramain Islamic Foundation – Fully briefed as of November 25, 2015.
6. Dubai Islamic Bank – Fully briefed as of December 11, 2015.

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Although the briefing for the Dubai Islamic Bank motion is complete, the bank's recent letter to the Court regarding a fire that destroyed certain of its transaction records has prompted counsel for plaintiffs and Dubai Islamic Bank to discuss the pending discovery issues further, before requesting a motions hearing on the motion to compel as to that defendant. Counsel will advise the Court if they seek judicial resolution of any remaining issues.

Counsel for plaintiffs and the remaining defendants will discuss a potential sequence for the oral arguments on the motions to compel, in light of the remaining motions to be briefed, and will advise the Court by early February as to their proposal.¹

Finally, for the sake of completeness, we note that plaintiffs' motion against the Sanabel Defendants (ECF Nos. 3127, 3172, 3174) remains pending. In an Order dated December 29, 2015 (ECF No. 3176), Your Honor denied the Sanabel defendants' request for a sixty-day extension to respond to plaintiffs' motion, and directed them to respond by February 5, 2016. In particular, Your Honor directed that the response must address whether any Sanabel representative currently is authorized to direct Sanabel's legal representation in these proceedings. Given that due date, although that motion is not ripe at this time, we anticipate that it may be ripe shortly after the early February due date.

Respectfully submitted,

ROBERT T. HAEFELE
PLAINTIFFS' EXECUTIVE COMMITTEES

ALAN R. KABAT
DEFENDANTS' EXECUTIVE COMMITTEE

cc: The Honorable George B. Daniels (via Facsimile)
All Counsel of Record (via ECF)

¹ Although Judge Daniels had set a case management conference for January 28, 2016, Your Honor had not scheduled a discovery conference for that date. As January 28, 2016 presents scheduling conflicts for certain plaintiffs' counsel who intend to participate in argument on the motions to compel, plaintiffs respectfully request that argument be set for alternative dates.